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## **Queer Movements**

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# Social Movements

## Concepts, Experiences and Concerns

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## CHAPTER

# 17

## Queer Movements

*Banhishikha Ghosh*

*After reading this chapter, you will be able to*

- *Locate the queer movement within the broader social milieu*
- *Designate the connotations analogous to it*
- *Delineate the basic characteristics of this movement*
- *Locate its rise and growth across the globe including India*
- *Explain the basic perspectives that emerged to explain it*
- *Reflect on the directions that this movement has taken recently*

### INTRODUCTION

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In the contemporary world one can effortlessly witness an arousal of interests regarding issues of the queer communities. Such a mass scale appeal on both global and national levels has been preceded by a long drawn struggle by the members of the community in different parts of the world. Today, across the world judicial intervention and state activism in favour of rights of the LGBTQIA<sup>1</sup> (lesbian-gay-bisexual-transsexual-queer-intersex-asexual) communities can be observed. Such a concern for these groups is also accompanied by expanding and critical academic knowledge about them. Simultaneously one finds a gradual yet steady rise in the voices of different sexual minority groups coming up in regional, national and international platforms. The queer movement globally has played an important role in challenging societal expectations about bodies and identities and stressed on the importance to rethink about sex/gender categories (Devor 2006).

It is apparent that globalisation has opened up scope for expressions of such identities due to certain intellectual and material developments. In a 'network society', the role played by mass media, including different channels of electronic communication in particular, has been tremendous to produce and augment virtual localities. Given such contextuality, the movements of sexual minorities have now gained visibility and are reflected in pride marches in metropolis and suburban towns. A growing body of literature/films/television serial / advertisements, and increasingly assertive, hyper-articulate, individuals are now challenging hetero-sexist assumptions.

Interestingly, 'insider' scholars such as Susan Stryker, Georgiann Davis, Morgan Holmes, and Karl M. Baer have seriously carried out the task to convert the intersex movement into essentially a human rights movement. Transgender studies or 'the new gender politics', as Judith Butler (2004: 4) calls, play a role in creating trouble for the gender order. Not only do they challenge the male-female dichotomy in sexual orientation, the activists arguing for such rights also decline to accept categories such as 'first', 'second' and 'third' gender in the way society fixes their order of priority. Interestingly, people categorised as 'transgender' 'encompasses the whole spectrum' of gender diversity that lumps together rather than splits apart the many subgroups within a large, heterogeneous set of communities (Stryker, 2008: 123). The critical differences among the queer communities, however, remain subterranean due to stigmatisation by the mainstream and male stream society.

In this context, this chapter tries to trace the genealogy of the development of the queer movement in the world as well as in India. It focuses on understanding the significance of the distinct events that strengthened the movement and the organizations leading it.

## CONCEPTUAL CLARIFICATION

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The umbrella term 'queer' is often used to refer to the process of consciousness building, mobilization and struggle of all people belonging to non-heteronormative communities. However, at different times diverse terminologies came into the foray that reflects the contexts from which they emerged. For example, the word homosexual was first used by German Hungarian writer Karl Maria Kertbeny in 1869, and it continued to be used then on to address the non-heteronormatives. But, during the 1970s, in the United States, the term 'gay' became popular, and it intended to represent the queer community. With the trajectory of their social struggles, political developments and intellectual engagements, it gradually became explicit that identities of different queer community members are diverse and their journeys also differed in qualitative ways. The result was a broadening of the categories to include lesbians, bisexuals, transgenders, and more recently, queer, intersex and asexual identities within the plethora of non-normative gender identities. Interestingly, these terminologies are still evolving along with changes in the context of assertion of such identities.

The term queer, which largely gained popularity in the academic circles, refers to an individual who defies gendered norms and practices (Ray 2016). Teresa de Lauretis (1991) first proposed the term "queer" as a theoretical intervention, as a symbol of personal identity and political defiance. She did so to limit the desire for normalcy that is so dominating in gay and lesbian politics and thereby celebrate those who are marginalized

(cited by Ray 2016). Elizabeth Grosz had also used the term 'queer' to refer to oppositional politics. Queer can, therefore, also include the heterosexual who undertake subversive or transgressive sexual relations outside the copulative, penetrative, active/passive, stereotyped norm. The term is however hotly debated and contested as historically its usage in English language was pejorative, discriminatory, and derogatory (Ray 2016). By comparison, 'transgender' or trans is an inclusive and current term for all those people whose gender expression is non-conforming or who reject the gender roles allocated to them by the society on the basis of their biological sex.

It should be acknowledged that identification of a clear queer identity is a problematic. This is due to presence of plural practices among them. Thus, for instance, bisexuals (persons attracted to both sexes) are a part of queer even though within family they are heteronormative. Again, among the gay (men desiring men) or lesbians (women desiring women), some also become a part of mainstream by getting married and having children. All such diversities arise, argues Rao (2017), as persons belonging to queer communities very often have to keep their identity hidden due to social pressure.

In case of India, different indigenous terminologies, often thought to be equivalent of the Western terms, were present since long. According to Vanita and Kidwai (2000) and Kalra (2011), terms like the *trithiyapanthi* or *trithiyaprakriti* that literally means the third gender were often used here to mention individuals who did not identify as heterosexuals. The terms like 'lesbian', 'gay', 'queer', and 'transgender' became part of the Indian community only in recent times as non-normative sexualities such as hijra, *kinnar* and *kothis* were recognised here. The term *hijra* (there are regional variations of this term) refers to community which includes men who have undergone sex changes, intersexed bodies, men who discard their masculine identity to classify either as women, or in-between man and woman, or neither man nor woman and live within *Hijra Gharanas* (Hijra tradition of social organization) (Ray 2016). While hijras may or may not go for castration, *kothis* are biological men who identify with the feminine and thus their identity is marked by gender non-conformity. They take on feminine mannerisms, attitudes and attire (Nanda 1999; Reddy 2005). As hijras celebrate diversity, it is difficult to define them clearly. But this applies to many other queer communities and hence Khanna (2016) argues that 'subject hood' should not be defined as an interior construct, but rather, as transactional and relational. We may here argue that queer movement today has become relational as it also involves questions of citizenship, rights, recognition, as well as concern life style and choices.

## ORIGIN OF QUEER MOVEMENT: GLOBAL SCENARIO

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While the queer movement gained momentum since the mid-20<sup>th</sup> century, one can trace its genealogy from the 18<sup>th</sup> century itself in several European countries. It was from then on, both through fiction, non-fiction as well as through academic writings, that scholars and activists have tried to show their reluctance to accept the disciplinary regime imposed by the state and patriarchal social structure.

It is true that any movement cannot be singled out to carry forward one stream of objective or ideology. Similar is the case of the queer movement, which since 150 years of its commencement (since the 1870s), developed by multiple groups and subgroups, has

given rise to different ideologies. As a result, they have voiced different concerns and issues pertaining to the identity of gay men, lesbian women, and other gender variant or non-binary groups (Morris 2019).

What is constant however since the beginning, as Butler (1997) notes, is that the LGBTQ movement constantly objected to the approach with which homosexuality was viewed in the current social set up. It short, in each successive step of the movement, what it strived to go beyond was heteronormativity. In some cases, the groups also identified themselves as homophile groups, instead of homosexual in order to emphasise that it is not just freedom of sexuality that they are striving to achieve, but freedom to emote as well.

Let us go through the journey of a few western countries first to analyse the trajectory of the queer struggle.

## Germany

Efforts to promote queer rights started quite early in European countries like Germany, through the works of Karl Heinrich Ulrichs, Karl Maria Kertbeny, Adolf Brand, Magnus Hirschfeld and others (Pettis 2008). Ulrichs' writing was the first of its kind on gay love in Germany. Then Hirschfeld started two institutes, first the *Scientific Humanitarian Committee* in 1887 to study and protect homosexuals, and then the *Institute for Sexual Science* in 1919 thereby launching "the homosexual emancipation movement" (Steakley 1975). All these efforts along with anonymous writings of Karl Maria Kertbeny to repeal the Prussian anti-sodomy law led to heavy protest against Paragraph 175 in Germany, which criminalized homosexual acts since 1871. The early 20<sup>th</sup> century saw the proliferation of a metropolitan gay culture in Germany in clubs and cafes, backed by publishing and media houses. Notable amongst them are, Max Spohr's journals focusing on gay rights, weekly papers like *Friendship*, Hirschfeld's *Yearbook for Sexual Intermediates* and his film named *Different from the Others*.

In 1928, the first international organization called World League for Sexual Reform was formed in Germany by Hirschfeld to champion queer rights. Subsequent meetings of this organization were held in countries like Denmark (1928), England (1929), Austria (1930), and Czech Republic (1932). However these efforts saw a cease in 1933, with the Nazis coming to power. Along with Hitler's ideologies, the fact that many principal campaigners in Germany (e.g., Hirschfeld) were Jewish, led to the banning of all homosexual organizations. Gestapo publicly prosecuted anyone thought to be homosexuals and sent them to the concentration camps. The environment of suspicion continued for long and it was only during the 1970s that the homosexual movement became an international sensation, with new gay organizations forming in the context of AIDS outbreak. And in 1994, after a long history of 122 years (Steakley 1975), Paragraph 175 got abolished. From then onwards, the main focus of the movement shifted towards everyday forms of violence that homosexuals face despite decriminalization.

The 21<sup>st</sup> century brought with it many legal enactments that recognised marriage and adoption rights of homosexuals, not only in Germany, but also in countries like France. As compared to Germany, however, France saw the repealing of sodomy laws post the revolution of 1789. Similar was the case in Switzerland (1798), Italy (1890), and Denmark (1933). Subsequently, there were legislations in these countries to guarantee the protection



and sustenance of these groups. Despite legal rights, an air of mistrust and contempt persist even now in these nations against the members of this community forcing them to continue their struggle.

## **The United Kingdom**

Within the United Kingdom, same-sex activity was characterised as 'sinful' and treated under the Buggery Act 1533. By 1806, Lancaster Castle had become a centre to incarcerate, trial, and declare capital punishment to homosexual men. Since the time of Henry VIII and in the Victorian era (since 1885), sodomy was considered a crime. This led many British scholars like Edward Carpenter and Havelock Ellis to write against maltreatment and criminalization of alternative sexualities. Though homosexuality ceased to be a capital offence in Britain by 1861, homosexuals continued to be arrested and put in prison for long period under different legal pretexts.

By 1954, more than a thousand gay men were imprisoned within England and Wales. Among them were included a lot of popular, highly educated and well-known members of the populace like Oscar Wilde and Alan Turing. The members of the British parliament then moved a proposal to revise the legal enactments. By then, a number of homosexual organizations were born internationally and the notion of queer identity became accepted in British society. All these forced the British government to establish committees to review the issue of criminalization of homosexuals. The Wolfenden Committee, set up in 1957, suggested decriminalisation of private homosexual activity between consenting adults over the age of 21. Yet, the Committee considered homosexual activity in public places to be a crime. Ironically, even after legalisation of homosexuality in England and Wales in 1967, homosexuals were convicted. Thus, a study conducted by Peter Tatchell (2017) found that while some 420 men were convicted of the gay crime in 1966, the number soared to over 1,700 by 1974. Anti-gay laws were finally repealed by the Sexual Offences Act 2003, though Northern Ireland and Scotland did so much later (Tatchell 2017).

## **The United States of America**

Throughout the first half of the 20<sup>th</sup> century, gay men and lesbians continued to be at risk in USA when courts and clinics defined gay love as 'sick', 'criminal' or 'immoral'. There were then rare cases of activism and springing up of organizations. For instance, in 1924, the Society for Human Rights, a Chicago based LGBTQ organization was founded by Henry Gerber. But the organisation faced the wrath of both the state as well as the public sphere, resulting in its end after a few months of its conception. But in the second half of 20<sup>th</sup> century, queer movement gained drastic visibility in the USA and a larger part of the activism became overt post the 1970s. And it was not until 1973 that the American Psychiatric Association declassified homosexuality as an 'illness'.

During the cold war era, widespread beliefs about non heterosexuals being unreliable and prone to blackmail by the soviet powers started circulating in the United States and Britain as well. This resulted in the continual mission to singling out suspected non-heterosexual officials. They were mistrusted and considered 'a threat to national security'

(Johnson 2004: 9). In the 1950s, President Eisenhower signed an order to sack all government employees engaged in immoral and unusual sexual perversions. This order resulted in the mass scale dismissal of gays and lesbians from their offices.

**BOX 17.1**  
**The Case of a Lesbian Woman**

Mica England, a woman, residing in Dallas, USA, was disqualified by the Dallas police authority from employment on legal grounds since she identified her as a lesbian woman. She had to file a court case with the help of Dallas Gay Alliance which finally changed the constitutionality of the state's sodomy law.

But simultaneously, the 1950s also saw the commencement of groups like the Mattachine Society, founded by Harry Hay, a politician and activist, often called the 'father of gay revolution' (Haggerty, Beynon and Eisner 2000). Formed in Los Angeles, it gradually mushroomed to other regional centres. Organizations such as One, Inc. (a homophile group established in 1952) and Daughters of Bilitis (a lesbian support association established in 1955) came into foray in the United States. Within a decade, student solidarity bodies for homosexuals (Student Homophile League at the Columbia University) also started to emerge. Gradually the witch hunt became comparatively less, though the effort to single them out continued. During the same time, even popular media and academia started to publish journals, papers, and research work to show how gay men and women were equally 'adjusted', 'normal' and 'sane' as the rest of humanity.

Let us now trace the stimulant phase of queer struggle in United States since 1969.

## **STONEWALL: NEW PHASE OF QUEER MOVEMENT**

---

The Stonewall incident (28 June 1969) in the United States is often seen as a central event igniting the queer liberation movement and a special intersection in the history of non-heteronormative identities (Carter 2004). The incident is remembered by next generation queer activists in parades, pride marches and other programmes worldwide (D'Emilio 2002). It is, therefore, mundane to demarcate the history of gay rights movement into two aeons: 'before Stonewall' and 'after Stonewall'.

Although there were movements prior to Stonewall, scholars have noted distinctive origins of the queer movement in this event (Armstrong 2002; Carter 2004; D'Emilio 1983). Some however feel that the event was neither one in which the sexual minorities opposed the police action nor was it such that a political organization for the same purpose had not been formed before (Murray 1996; Bernstein 2002). Yet, it encouraged the formation of several organizations, for examples, Gay Liberation Front (GLF) and Gay Activists Alliance (GAA) which consequently inspired thousands across the world to participate and fight for proper citizenship and human rights.

In this context, it is important to trace the genealogy of the queer movement in USA in the light of string of events that took place before the Stonewall.

1. ***Compton's Cafeteria Riot in San Francisco:*** In 1966, San Francisco observed one of the earliest transgender flare-ups in the history of the United States. It occurred through the members of the transgender community in particular, who started picketing in protest against the cafeteria's policy of not allowing transgender people inside. The riots grew in shape and intensity and gradually led to the birth of several organizations to support and advocate the rights of the LGBTQ community in San Francisco and later in the whole of US.

A year after the 1966 riots, in the course of New Year festivity, a dance party was planned by six queer groups. But the police raided the place and stalked the area around California Hall (D'Emilio 1983: 194). This raid mobilized San Francisco's queer activists. Several gay and homophile organizations started taking the help of law to establish the right of homosexuals to assemble legally without invasion of privacy. The American Civil Liberties Union defended the move and rendered a verdict of 'not found guilty' to them. Gradually, with mass mobilization, the movement started attracting mass sympathy. The movement however progressed differently in different locations, depending on the space, social and political situation. For example, in San Francisco, which is often considered as 'the Gay Capital of United States', the activists received a cornucopia of public support, faced a lesser amount of everyday antagonism as compared to homosexuals elsewhere. The episode of clash therefore served as a catalyst in advancing the state of affairs for the non-heteronormative groups in San Francisco.

2. ***Protest in Los Angeles:*** The LGBTQ movement in Los Angeles took up different strategies since they faced a more hostile police and also lacked in proper institutional support to take forward their cause (Thompson 1994). Thus, they decided to organise a march to the police station and hold a public meeting against two incidents that evoked feelings of alarm, fury, and disappointment (Armstrong and Crag 2006). Incidentally, in 1966-1967, during New Year's celebrations, two Bars in Los Angeles with predominantly gay clientele were blocked by police officers. Two months later, a homosexual man was beaten to death by police in front of a hotel. Surprisingly despite having enough evidence and witnesses of the extreme brutality of the police, the court verdict of 'excusable homicide' shocked everyone (Armstrong and Crag 2006). Although the activists could not manage any tangible accomplishment, they nonetheless put forward a brave resistance.

## **Stonewall Riots in New York**

In New York, the LGBTQ movement was really strong. Situated with a background of the civil rights movement, black movement, women's movement, and New Left movement, the queer movement became effervescent with activists taking up picketing, marching, and protesting by claiming public spaces as a strategy (Kissack 1995; Valocchi 2001; Murray 1996; Armstrong 2002). The East Coast Homophile Organizations planned events to keep the movement steady and going. All these explain why New York became the site of the Stonewall event.

Stonewall Riots in the Greenwich Village refer to a series of intense skirmishing which occurred during the dayspring of June 28, 1969 in New York amongst the official police corps and gay rights activists in front of the Stonewall Inn, which was a gay bar. Stonewall Inn was a notable space to conclave for numerous sexually marginal identities. With the continuance of the agitation over a period of time, an international liberation movement was instigated. Started off by a multitude of sexual minorities, as an unpremeditated protest, it was led against the extreme and unending harassment by the police as well as against social discrimination. Even though there were other protests by non-heteronormative groups previously, the occurrence at Stonewall was perhaps the first time that lesbian, gay and transgender groups had realized the requirement for launching a unified struggle to promote their mutual cause. Finally, homosexuality was decriminalized in 2009 in USA.

### BOX 17.2

#### Gay Riots in San-Francisco

While the Stonewall riots are widely known, the second set of gay riots that took place just a decade after Stonewall is least known. Called as the *White Riots*, it took place in San-Francisco. It was the result of the murder of Harvey Milk, a self-identified gay legislator. The community members felt that Dan White, the perpetrator was not adequately sentenced by the court. The initial protests, though peaceful, later took a violent turn. The event resulted in the election of a new Mayor, who appointed a pro-gay police chief. Following this, there was a sharp rise in the enrolment of gays within the police force in San-Francisco. This partly diminished the animosity between the police and the community. But other US states did not do so with equal ease.

## LEADERSHIP AND ORGANIZATION

The Stonewall event created a huge uproar for rights, freedom, and desire of self-expression that culminated into creation and proliferation of national level organization within a very short span of time under the leadership of eminent personalities. For example, an organization called Vanguard was founded to promote gay rights by activists Adrian Ravarour and Tenderloin. Again the National Transsexual Counselling Unit, Eastern Regional Conference of Homophile Organizations, NYU's Student Homophile League and the like were formed to mobilize advocacy for the queer communities in the USA. These associations and groups incessantly went on organizing memorial events and public discussion forums. On 1969, the Annual Reminder was organized by a homosexual group called the Mattachine Society. Leadership to this and many other events during that phase was given by famous and notable activists like Craig Rodwell (who opened the first bookstore for lesbian and gay writers), drag queens such as Sylvia Rivera and Marsha P. Johnson, gay politicians like Harry Hay, authors like Randy Wicker, editors of notable magazines like Barbara Gittings, and photojournalists like Kay Lahusen.

Stonewall indeed empowered the members of the queer communities who were tired of persecution in the hands of the government, bar owners and the police. In 1970, gay pride marches were held for the first time in numerous places in the United States to commemorate the first anniversary of the Stonewall Riots. These were followed by countless pride marches across the world in the forthcoming years. The 1970s also saw the coming of the gay spiritual movement, the crucial organization of it was Radical Faeries, which drew inspiration from the counter culture movement. It tried to bring in new notions of queer unity through the fostering of common spiritual goals.

As the queer movement gained strength around the world, they started to identify, describe, explain and denounce erotic injustice and sexual oppression. It was in certain ways successful in destabilizing what Gayle Rubin (2010) calls ‘the sexual pyramid’ in Western society. The result of such change was also instrumental in expanding the support base of queer organizations and increasing the involvement of intellectuals, media personalities, professional practitioners, politicians, NGOs and civil society activists. These new leaders also focus more on issues like social entitlements, legal status, violence and economic vulnerabilities. Even in case of India, a kind of optimism has inspired educated and urban members of this group to publicly raise issues and articulate voices.

## **LGBTQ Movement in India**

---

The LGBTQ movement in India has gained visibility since the last few decades due to certain intellectual and material developments within and outside the country. Unfortunately, the women’s movement(s) in India, argues Menon (2007), has not addressed the question of sexuality for long. On the contrary, most of its activism has focused on the oppressive structures and violence faced by women and children within the family—dowry, domestic violence and so on. As a result, it took much time on the part of stakeholders and NGOs to challenge patriarchal and inherent hetero-sexism in society. As expected, only around 4.9 lakh people have clicked the third gender box during the census of 2011. But the Government of India in one of the documents submitted to the Supreme Court in 2012 claimed that there are 9.2 crore gay people in India. Obviously, many queer community members prefer to keep their identity secret. This could be due to the fact that sexual minorities are misunderstood and considered ‘invisibles’ notwithstanding the fact that non-heteronormative identities were a part of the Indian worldview for long (Jaffrey 1996). Let us now go into this historical trajectory to place the concerns of queer community members in India.

## **Recognition of Queer Status in Pre-colonial Period**

Indian society has for long accepted diverse sexual identities and sexual behaviours and several mythologies and ancient scripts do prove this. It is widely known that *Kamasutra* speaks of the *tritiyapanthi* or third gender and the Khajuraho temples in Madhya Pradesh displays homoerotic sculpture involving Hindu gods and goddesses (Rao 2017). Vatsyayana (1983) and Vanita and Kidwai (2000) have shown that for more than 3000 years, the category of a third sex was a part of the Indian perspective. It has been

documented that in India, hijras, a popular sexual minority group, have survived and performed significant functions for the political masters since the time of Chandragupta Maurya. During the Mughal era, hijras were held in high regard and often considered divine beings (Tougher 2002: 143). They were appointed at Islamic court and their traditional role was to guard the women of the harem and children (Nanda 1999). Postan (1838) notes that prior to the British rule in India, hijras were regularly engaged as guardians of the 'virtue' of the harem. They occupied ritualistic status as 'bestowers of fertility' and possessed land and often enjoyed high status in Mughal India. But from the beginning of colonial rule, the situation altered radically for them.

Vanita and Kidwai (2000) have shown evidences from various regional and religious cultures including the Muslim, Buddhist, Jain, and Hindu to argue how they sustain a range of cultural practices which do not succumb to the gender normative. Such cultural practices have been documented in the Mughal era too. Notwithstanding recognition of same-sex love, Vanita and Kidwai (2000) have argued that our ancient texts tried to subordinate non-penetrative as well as non-heterosexual sex to penetrative heterosexual sex. Many of them also tend to take a somewhat pejorative view of those who are homoerotically motivated. Nevertheless, the examples of ancient texts have often been cited by members of the queer community later to forward their cause and gain respect, dignity and opportunities.

## **Stigmatization and Criminalization of Queer Identities in Colonial Period**

The onset of colonial rule marked significant shifts in the situation for the LGBTQ community in complex ways. The 19<sup>th</sup> century British travellers, writers and colonial officials rarely passed on the opportunity to attach some pejorative exaggeration to the word 'eunuch' (Postan 1838; Gannon 2009). Repeatedly they referred them as 'the vilest and most polluted beings' (Gannon 2009). It was also the period when the legal jurisprudence in regards to Section 377, the law which was modelled on 'The Buggery Act 1533', was getting introduced and evolved simultaneously. Interestingly, this law was applied initially to general public at large, and not just to homosexuals. As Section 377 was defined vaguely, it was through judicial judgements during the colonial and post-colonial period that specific meanings came to be attached with it that led to the marking of specific bodies as criminals (Gupta 2006). Another significant act that impacted specific members of the LGBTQ community was the Criminal Tribes Act of 1871. Along with certain primitive tribes, persons belonging to third gender category, specifically the eunuchs were also classified as 'criminal tribe' - as inherently immoral and corrupt.

## **Rise of Queer Activism in Postcolonial India**

As a structured and organized one, the queer movement in India has gained momentum only in the late 1990s though the seeds of this movement could be seen to burgeon with numerous explicit and implicit developments. The developments discussed here are mainly political milestones in the Indian context which can be traced back to the 1940s. This is notwithstanding the fact that there might have been several ground level efforts, by individuals and groups which might have gone unnoticed due to lack of documentation.

To start with, books, journals, and short pieces in newspapers and print media, initially played a huge role, in imagining of a community, reaching out to them and thereby establishing solidarity amongst the community (Anderson 2006). We can find a lot of literature, in the early 1940s on queer personalities, starting with Ismat Chughtai's short story *Lihaaf* (written in 1941, which depicted same-sex relations among women in modern-time India), to Shakuntala Devi's book *The World of Homosexuals*, (written in 1978, it questioned homosexuality in general and in the Indian context for the first time) (SAATHII 2009). In the late 1970s, journals started getting published as well. The first independent gay journal titled *Gay Scene* was published from Kolkata. It however could not persist for long time in the literary sphere. Subsequently, since 1970s, theatre came to play a decisive role in showcasing the homosexual lives and its struggles too.

Gradually, since the 1980s, informal groups of women activists desiring same-sex relations started emerging in India. They actively met and forged international ties with counterparts around the globe. In 1985, Indian women joined a workshop for lesbians at the Nairobi Women's Conference (Fernandez 2002: 181). Five years later, in 1990, seven Indian women took part in the Asian Lesbian Network conference in Bangkok (Rege 2002: 145). However, academic, informal or unregistered Lesbian groupings in India at this time were inhibited in two crucial ways: first, they were primarily either activists or academicians; and second, most of the people they could reach out to were the urban English educated, upper or middle class queer individuals, who could read and qualify for such literature or meetings. Queer assertions started hitting the public spotlight in 1986, when journalist Ashok Row Kavi became the first self-declaring gay individual to pen down his life story, and his journey in discovering sexuality in a journal called *Savvy*. He played an important role in fostering the gay networks subsequently. Again, in January 1988, the high-profile marriage of Leela and Urmila, two policewomen from small-town of rural Madhya Pradesh also created a stir. Interestingly, both of them were subsequently dismissed from the police force. In 1991, the first LGBTQ magazine *Bombay Dost* came out, as a result of efforts by Ashok Row Kavi.

During the same time, Delhi-based lesbian network called Sakhi (formed by Giti Thadani in 1991) was established. It was a lesbian community which went beyond the local activist groups to establish an Indian and global network of women. Democratizing the queer scene, they encouraged women to communicate with one another about their desires through letters which were kept anonymous. Dave (2010) explains beautifully how journals like *Bombay Dost* or networks like Sakhi helped in the creation of new identities. It is through these that readers felt an immediate connect with the words such as 'lesbians and gay'. Dave notes that most of the letter writers were impressed to contact Sakhi after seeing the word 'lesbian' in its page. Such networking led to the formation of an imagined Indian lesbian community that did not exist before. One of the earliest mainstream newsletters detailing out the work of Sakhi was *The Statesman*, which published a piece entitled 'Emerging from the Shadows' by journalist Parvez Sharma in 1994. It captured the narratives of Indian lesbian women.

The decade of the 1990s brought forward numerous public protests and demonstrations by members of the queer community. Reports regarding the struggles and situation of queer community also started circulating simultaneously. For example, CALERI (Campaign for Lesbian Rights) Report, 1997, the Humjinsi report, 1999, and reports by People's Union for Civil Rights speak about violation of human rights of lesbian and gay people in many parts of India. In 1991, AIDS Bhedbhav Virodhi Andolan (ABVA) became the first organization to publish a report titled 'Less than Gay', which was an account on

the unfairness and inequity faced by the community in India. The same organization organised several protest meetings against the harassment faced by LGBTQ community in Delhi in the 1990s. Dave (2012) shows that 200 delegates attending an international conference on AIDS in New Delhi in 1992 staged a walk-out to protest against the stance of Indian state on homosexuality. Following this, the health care issues of the queer-identified persons became a major agenda for mobilization. In 1994, ABVA filed a Public Interest Litigation (PIL) in Delhi High Court demanding the shelving of Section 377. This was the first legal protest and the first effort to legalize homosexuality in India. In 1996, Deepa Mehta's film *Fire*, which showed two women in love, led to violent protest by right-wing groups.

In the history of queer movement in India, the year 1999 became a crucial one for two significant events. First, keeping in pace with global developments, the first Gay Pride Parade was held in Kolkata, the capital of West Bengal. Called the 'Calcutta Rainbow Pride', it had only 15 participants. Yet, it became successful in spreading the message of being proud of one's own identity. Second, the same year saw the release of a manifesto titled 'Lesbian Emergence' by CALERI - a Delhi-based organization. It sought to break the silence around the lives of queer women, who they argued were much more invisible than queer men. This period thus saw the rise of organizational activism, which simultaneously faced a counter backlash from the police, state and the larger society. It was also during this time that a distinctly urban queer community started growing. Dave (2010) argues that the 1990s saw the rise of a distinctively gay subjecthood and culture through community building in clubs and parties.

### **BOX 17.3** **Hosting Gay Nights**

A South Delhi disco called Soul Kitchen hosted the first 'gay night' in 1999. Such parties became the preferred social setting through which face-to-face interactions helped the community members to mobilize opinions substantially.

## **Movement Since 2001**

A large part of the queer movement in the first decade of 21<sup>st</sup> century was concerned with abolition of Section 377, which was used on a mass scale to perpetrate the queer community members even when they were not found guilty of any offense. This decade was phenomenal in terms of the number of legal battles that the community underwent to decriminalize homosexuality.

It started in July 2001 when the Lucknow police raided the offices of two NGOs, Naz Foundation International and Bharosa Trust, which were working in the field of HIV / AIDS for several years. Their office staff were arrested and jailed for 45 days on the plea that they promote homosexuals and thereby violate Section 377. This event led to the filing of a petition by Naz Foundation and the Lawyers Collective the same year. The case however was dismissed by the court. In 2003, the Government of India in its affidavit submitted to the Division Bench stated that decriminalizing homosexuality could open the floodgates of delinquent behaviour. Post this, there were repeated filing of review



petitions and leave petitions in 2004 and 2006. The voices of the queer communities became strong when a coalition of 12 Delhi based NGOs formed a united platform called 'Voices Against 377' to file a joint petition to abolish this Section. This finally influenced the Supreme Court to recognize that the petition concerned issues of public interest, and could not be treated as an issue concerning merely few groups of people.

**BOX 17.4**  
**Common Platform for the Hijras**

The National Hijra Habba was formed in 2012 through a joint coalition of government representatives, NGOs, civil society and members of the transgender and hijra community. Over 100 representatives from 17 states then came together on a joint platform for the first time with the focus on discussions about social entitlements, legal status, violence and economic vulnerabilities.

However, around the same time India's ministry of home affairs also filed an affidavit against the decriminalization of homosexuality. Finally, in 2009, Section 377 was declared unconstitutional by the Delhi Court on the grounds that it violated the fundamental rights to life, liberty, and equality as enshrined in the Indian constitution. However, post this judgement another petitioner, Suresh Kumar Koushal, challenged the unconstitutionality of Section 377. The legal battle thus continued post 2009, and in 2013 the Supreme Court revisited the Delhi High court judgment and declared it legally unsustainable, yet again.

However, subsequently some judgments of the Supreme Court did challenge Section 377. First of these judgements was the National Legal Services Authority (NALSA) judgment (2014), in which the Court directed Centre and State Governments to grant legal recognition of all individuals irrespective of gender identity - male, female or third gender. Although primarily concerned about the transgender community, this judgment challenged Section 377 in numerous ways. It admitted that Section 377 had been used several times as a tool of pestering and physical abuse against queer persons. The judgment denied the claims put forward in Suresh Kumar Koushal's petition (2009) that the members of the queer community were a 'miniscule minority', and argued that their rights are important irrespective of the number of people within the group. Further, it added that discrimination on the basis of sexual orientation and gender identity defied Article 14 of the Indian Constitution.

The recognition of the third-gender category through the NALSA judgment was essential to mark the claims of the transgender citizenship. The Court recognized their entitlement to fundamental rights and their chance to seek redressal through criminal and civil statutes relating to marriage, adoption, and divorce. The court also showed preference for a 'psychological test' as opposed to a 'biological test' for gender determination. Thereby centre and state governments were asked to take appropriate actions to provide medical care to queer people in the hospitals, especially the ones suffering from HIV and other STDs, and also provide them separate public toilets and other facilities. Further the court has directed the governments to provide social welfare schemes and also to extend reservation to the members of the community. Finally, the judgment also stated the need to alleviate stigma surrounding the trans-identities through public awareness programmes.

The second important judgement by a nine-judge bench of the Supreme Court in August 2017 was to recognize right to privacy as a fundamental right. By doing so, the Supreme Court also argued that 'sexual orientation is an essential attribute of privacy'. Hence, discrimination against an individual on the basis of sexual orientation is deeply invasive to the dignity and self-worth of the individual. This raised the expectations of those agitating against Section 377.

Finally, media, civil society, academicians, and a section of the politicians also came forward to support the community. Narrain and Gupta (2011) have argued that a major turning point in mass mobilisation against Section 377 was open letters by Vikram Seth and Amartya Sen who argued that love cannot be criminalized. The letter by Seth was co-signed by Swami Agnivesh, Captain Lakshmi Sehgal, Veena Das, Arundhati Roy, Upendra Baxi, Shyam Benegal and a host of other famous people. Both these letters were covered extensively by news channels and dailies and created conversation on what a true 'democratic and plural' nation should do.

In July 2018, finally the Supreme Court declared homosexuality as a variation not an aberration. This judgement is celebrated as a historical success of the queer movement in India. Later in December 2018, the Transgender Bill was passed by the Indian Parliament after 27 amendments. In line with the NALSA judgement, it granted transgender individuals a right to self-identification. However, unlike the NALSA judgement, which clearly proscribed subjecting an individual to medical examination, this bill empowers the District Screening Committee involving medical experts and doctors to carry out physical tests to decide whether a person is a 'transgender' or not. It also criminalises begging which is a prime source of livelihood for many hijras in India. Critics have argued that by doing so, the Bill pushes them into poverty. It also fails to recognise that gender identity is not a fixed construct; rather it is malleable and fluid. Seeing them as aberrations from 'natural and normal' masculine and feminine identities, it portrays transgenders as individuals in need of state protection and therefore it agrees with the heteronormative order of the society.

**BOX 17.5**  
**Rise in Queer Voters in India**

According to information provided by Election commission of India, the total number of voters in the third-gender category has increased from 28,527 in 2014 to 38,325, in 2019 (34%) increase. Voters from Uttar Pradesh top the list.

### **The Post Legislation Scenario**

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Along with legislations, the movement today has become much more visible due to different pride parades and meetings being organised in different parts of the country, online communities being fostered by the activists in both metropolis and suburban towns, advertisements being put up using queer themes, growing body of literature /films/television serials and a rise of international platforms to represent voices of Indian queer communities. Many state governments and NGOs have now extended inclusionary provisions to them.

While such developments are optimistic to queer activists, the reality is not so simple. Thus, the impact of progressive legislations on the mindset of people at larger is debatable. Queer activists have rather noted down several cruelties committed on the transgender community even after the passing of laws. This is because elevating the social stigma surrounding the community is a long drawn process. Hence, it would take a lot of time to get queer subjectivity translated into reality.

**BOX 17.6**  
**Field Reality**

The Kochi Metro Rail Limited took a path-breaking initiative by appointing 23 transgenders in 2017. But most of the persons found it hard to sustain because they were refused accommodation in the neighbourhood (Sinha 2018).

Second, the queer movement discourse in both India and abroad has time and again witnessed the use of few buzz words like ‘empowerment’ and ‘agency’ in the context of neoliberalism. Chaudhuri (2000) argues that neoliberalism, which made a huge impression in the realm of gender, is also visible in the queer community since the activists today are influenced by the rise of new media, concern for lifestyle of a new middle class, and urbanness (Chaudhuri 2000: 264). Ashley Tellis (2012) goes a step further to argue that queers have been evolved into entrepreneurial and consumptive citizens. This has resulted in elite gay men becoming ‘privileged customers’ of ‘pink tourism’ (Kumar 2014: 9). In this context, exploitation of queer bodies through the global flow of capital needs to be recognized. This development, as Kumar (2014: 8) notes, makes the term ‘queer’ to lose its radical, political and emancipatory potential and takes a cultural turn. Hence, the queer movement requires redefinition of agenda not solely in terms of identity politics, but also by linking the material conditions with liberating agendas. Sharma (2006) also feels that the queer movement should not be bereft of both the larger issues of political economy and specific issues of class.

Third, the nature of voices and the diverse claims of queer India needs critical analysis. As the leadership pattern of queer communities is undergoing a shift during the last 20 years due to a new vision of rights and privileges, and enhanced membership, it is expected that the traditional rivalries among different queer groups (say between gays and lesbians) or even within a group (among high caste and low caste hijras), and among new and old leaders of the hijra *Gharanas* may pose serious problems for queer unity. This is more so as members of sexual minorities are fragmented on lines of power, status and wealth. Voicing such diversity and differences in articulating issues of common concern might lead to new set of troubles. Notwithstanding constructive aspect of expression of a standpoint, fragmentations lessen the support base.

## **The Way Forward**

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One of the basic tendencies the queer activists try to critique is the relegation of their movement to the sphere of the cultural and thereby to dismiss them as being engrossed with what Butler (1997) called ‘merely’ cultural. Scholars, therefore, have tried to ensure

that the ideology of queer politics is not construed as cultural politics which is factionalizing, identitarian, and particularistic. They have pointed out that there is a direct correlation between queer struggles, political economy and materialism. This is because the queer movement is very much connected to the issues like economic disadvantages, material oppression, exploitation and denial of rights. In a capitalist formation and in different ways in which we are distributed in the structure of labour, there is a desirable idea of sexual identity. The gendered manufacture of individuals is conditional on the collective parameters induced by the family. Given such constraints, the choice to announce one's identity of being gay and lesbian in public is difficult. The challenge today for the queer community in India or elsewhere is therefore larger. It is on one hand a struggle against the social stigma, which till date marginalises the community, and on the other they have to retain and strengthen their unity notwithstanding diverse voices emanating from different corners.

### Summary and Conclusion

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There has been tremendous arousal of interests on issues of the queer communities today on regional, national and international levels. The members of the community in different parts of the world have fought a stiff battle for long to fight discrimination, exploitation and achieve their rights and recognition beyond the given sex/gender categories. Global influences on this movement has allowed sexual minorities like lesbian-gay-bisexual-transsexual-queer-intersex-asexual (LGBTQIA) to gain visibility which is reflected in pride marches in both metropolis and suburban towns, advertisements, growing body of literature/films/television serial, and an increasingly assertive, hyper-articulate, men and women challenging hetero-sexist assumptions. Today the queer movement has been converted into essentially a human rights movement due to rise of a 'new gender politics'. Unification of different sexual minority groups under the umbrella term 'queer' is only a strategic move to draw the attention of state and society which was unkind to them and treated them as criminals. Even in case of India, where the category of a third sex had been a part of the cultural perspective for more than 3000 years, queer members faced oppression when the colonial rulers introduced new set of Victorian laws to defame them. Notwithstanding judicial interventions and state activism across the world in recent times, the struggle did not end as the mainstream and male stream society continues to treat them as 'other'. There are also challenges of linking both the larger issues of political economy as well as specific issues of class with the ideology of the movement. Retaining unity at the broader level in the midst of rising diversity and differences is also a major challenge.

### REVIEW QUESTIONS

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1. Do you think that identification of a clear queer identity is problematic?
2. How did the Indian society treat persons belonging to the third gender?
3. Examine the origin of queer movement in Europe.
4. What impact did stonewall incidence left on the queer movement?
5. Why were the queer members stigmatised and criminalised in India by the Colonial rulers?
6. What lesson can you deduce from the struggle of queer activists in India?
7. What do you think are the major challenged before queer movement today?

## NOTE

1. Recently, two more groups are added to already existing groups of queer communities. These are intersex and asexual identities. Hence, we today use the term LGBTQIA.

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